## REMARKS

Claims 1, 8, and 18-20 are amended. No claims are cancelled or added. Hence, Claims 1-9 and 11-25 are pending in the Application. The amendments made to the claim language are intended to ensure that the claims are interpreted consistent with how an ordinary person would already have interpreted the pre-amended claim language based on the plain meaning of the words. Thus, no new features or subject matter are added to the claims.

### I. INFORMATION DISCLOSURE STATEMENTS NOT ACKNOWLEDGED

The Applicant filed Information Disclosure Statements with PTO Form 1449 on September 20, 2007, June 18, 2008, and July 3, 2008, but Applicant has not received initialed forms to acknowledge receipt and consideration of the references. Applicant respectfully requests that the Office provide an initialed copy of the IDS forms with the next communication.

### II. ISSUES RELATING TO CITED ART

#### A. 35 U.S.C. § 103(a) —*TERUHI, RFC 1889,* AND *RFC 2676*

Claims 1-8, and 18-20 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Teruhi* et al., U.S. Pub. No. 2003/0072269 (hereinafter *Teruhi*), which includes *RFC 1889* as cited by *Teruhi*, in view of Apostolopoulos et al., INTF RFC 2676 "QoS Routing Mechanisms and OSPF Extensions", August 1999 (hereinafter *RFC 2676*). The rejection is respectfully traversed.

**Claims 1 and 18-20**

Claims 1 and 18-20 as amended recites in part:

> *"sending a first data packet to a particular router, wherein* ***during the method*** *the particular router is* ***always*** *selected* ***only from a set of routers*** *that the first data* ***packet has not already visited;"***

No combination of *Teruhi*, *RFC 1889*, and *RFC 2676* teaches or suggests the quoted feature. The Office Action relies on *Teruhi* Fig. 9 to allegedly teach the quoted feature. *Teruhi*'s Fig. 9 shows packets flowing between two communicating nodes, source node 11 and destination node 12. The Office Action alleges that the RTCP-SR packet sent from source node 11 to destination node 12 teaches the quoted feature because allegedly, "*the first packet has not visited the router.*" However, there is no intermediate router along a path depicted in Fig. 9; only communicating endpoint nodes are shown. There is no disclosure or discussion of which routers along the path between the communicating endpoints the RTCP-SR packet has visited and no mention of sending the RTCP-SR message only to a particular router that the message has not already visited. In sharp contrast, the claimed method involves sending (from a first router) to a destination and techniques for determining traversal time through routers on a path between sender and destination.

There is also no teaching or suggestion in *Teruhi* of sending a data packet to a particular router that is always **selected** only from a set of routers that the first packet has not visited. The only routers shown or mentioned in *Teruhi* are edge routers 21 and 22. Fig. 18 implies that all routes 31-33 are associated with both edge routers 21 and 22, and that all packets flowing between source node 11 and destination node 12 flow through both edge routers. Thus, *Teruhi* does not teach or suggest a method of sending data packets to a particular router selected from a set of routers as part of the method. Even if it were reasonable to consider destination node 12 as equivalent to the claimed particular router, there is no teaching or suggestion in *Teruhi* that destination node 12 was selected from a set of routers.

Claims 1 and 18-20 each recites in part:

> *"wherein the particular router is associated with a first actual time that is a shortest time among all times associated with routers in the set of routers"*

The Office Action relies on *Teruhi*'s Fig. 18 to allegedly teach the quoted feature with the comment, "*selecting a router from a set of routers associated with link 31-33 which has a shortest path to a destination, as shown in FIG. 18, that has the shortest path from the source node 11 to the destination node 12.*" As explained above, *Teruhi* does not teach or suggest selecting a particular router. There is also no description of a particular router being associated with a first actual time that is a shortest time among all times associated with routers in the set of routers. Even if it were reasonable to consider the neighbor router to edge router 21 in each route 31-33 as representing the route as a whole, no route (and thus no neighboring router) is selected over any other route, much less a particular router associated with the shortest actual time. Traffic is sent through all routes to gather performance information for updating routing tables. Thus, there is no element in *Teruhi* that corresponds to the claimed particular router.

For at least the reasons given above, a person of skill in the art would not have read the cited references to disclose the claimed subject matter, and Claims 1 and 18-20 is patentable over *Teruhi, RFC 1889,* and *RFC 2676.* Reconsideration and withdrawal of the rejection is respectfully requested.

**Claim 8**

Claim 8 as amended recites in part:

> *"in response to receiving the first data packet, selecting, from the set of neighbor routers, a particular neighbor router that is associated with a first amount of actual time that is* ***a lowest amount of time, relative to the specified destination****, among amounts of time associated with neighbor routers in the set of neighbor routers;*
> *"wherein* ***during the method*** *the selected neighbor router is* ***never*** *in the list of routers* ***previously visited by the first data packet****;"*

The subject matter of the quoted claim feature is essentially the same as that addressed above for Claims 1 and 18-20, and the Office Action relies on the same rejection of Claim 8 as for Claims 1 and 18-20. Thus, for at least all the same reasons as presented above, *Teruhi* fails to provide the quoted features. Therefore, Claim 8 is patentable over *Teruhi, RFC 1889,* and *RFC*

*2676*. Reconsideration and withdrawal of the rejection is respectfully requested.

B. 35 U.S.C. § 103(a) —*DI CARO* AND *RFC 2676 (that includes RFC 1247)*

Claims 1-9 and 11-15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Di Caro* in view of *RFC 2676* and *RFC 1247*. The rejection is respectfully traversed.

**Claims 1, 8, 18-20**

Claims 1, 8, and 18-20 each recite in part:

> *"[sending a first data packet] packet to a particular router, wherein* ***during the method*** *the particular router is* ***always*** *selected* ***only from a set of routers*** *that the first data* ***packet has not already visited;"***

The Office Action relies on *Di Caro* at line 2 of page 326 to allegedly teach the quoted feature. The Office Action relies heavily on the following quoted passage in *Di Caro*: *"choosing among the neighbors it did not already visit."* However, the Office Action fails to address the entire sentence in context:

> *"3. At each node k, each traveling agent headed towards its destination d selects the node n to move to choosing among the neighbors it did not already visit,* ***or over all the neighbors in case all of them had been previously visited****"*

When viewing the complete quoted passage in context, it is clear that although *Di Caro* **attempts** to find a neighbor that has not already been visited, if all neighbors have been visited, then **one of the neighbors that had been visited before is chosen**. Thus, *Di Caro* does not teach **always only** selecting a router that the first packet has not yet visited, as claimed.

*Di Caro* further states in Step 4 on page 327:

> *"4.* ***If a cycle is detected, that is, if an ant is forced to return to an already visited node,*** *the cycle's nodes are popped from the ant's stack and all the memory about them is destroyed. If the cycle lasted longer than the lifetime of the ant before entering the cycle, (that is, if the cycle is greater than half the ant's age) the ant is destroyed."*

*Di Caro* explicitly describes how to recover from the situation when an ant is forced to return to already visited node. Thus, *Di Caro* discloses that there are situations in which an ant may visit

an already-visited node, and thus, *Di Caro* does not always only select a node that the ant has not already visited.

As explained above, *Di Caro* does not teach or suggest that the selected router is **always only** selected from routers that the packet has not already visited. RFC 1247 and RFC 2676 do not, nor are they alleged to remedy the deficiencies of *Di Caro*. Thus, Claims 1, 8 and 18-20 are patentable for at least the reasons discussed above. Therefore, Claims 1, 8, and 18-20 are each patentable under 35 U.S.C. §103(a) over *Di Caro, RFC 2676,* and *RFC 1247*. Reconsideration and withdrawal of the rejection is respectfully requested.

## III. DEPENDENT CLAIMS ARE PATENTABLE

The claims not addressed thus far are dependent claims. The dependent claims are believed to be allowable at least due to their incorporation of limitations from their respective independent claims that have been shown to be patentable. Further, the dependent claims introduce additional features that render them patentable over the prior art. However, due to the fundamental differences already identified, separate arguments are not provided at this time.

## IV. CONCLUSION

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,
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